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Southern District of New York  
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United States Department of Justice Tax Division  
By: NANETTE L. DAVIS, Senior Litigation Counsel  
150 M Street, N.E.  
Washington, DC 20002

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

-v.- :

\$52,164,201 IN UNITED STATES :  
CURRENCY, :

Defendant *in rem*. :

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VERIFIED COMPLAINT

23 Civ. \_\_\_\_

Plaintiff United States of America, by its attorneys, DAMIAN WILLIAMS, United States Attorney for the Southern District of New York, and STUART M. GOLDBERG, Acting Deputy Assistant Attorney General for Criminal Matters for the United States Department of Justice Tax Division, for its Verified Complaint (the "Complaint") alleges, upon information and belief, as follows:

**I. JURISDICTION AND VENUE**

1. This action is brought by the United States of America pursuant to Title 18, United States Code, Section 981(a)(1)(C), seeking the forfeiture of \$52,164,201 in United States Currency (the “Defendant Funds”).

2. This Court has jurisdiction pursuant to Title 28, United States Code, Sections 1345 and 1355.

3. Venue is proper pursuant to Title 28, United States Code, Section 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture took place in the Southern District of New York.

4. The Defendant Funds constitute proceeds traceable to the commission of mail and wire fraud, and are thus subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981 (a)(1)(C).

**II. NATURE OF THE ACTION**

5. As alleged in *United States v. Banque Pictet et Cie SA*, 23 Cr. 631 (ER) (the “Banque Pictet Information”, attached as Exhibit A and incorporated by reference herein), from at least in or about 2008 up through and including at least in or about 2014, Banque Pictet et Cie, SA (“Banque Pictet”), a Swiss bank, conspired with others known and unknown to defraud the United States of certain taxes due and owing by concealing from the United States Internal Revenue Service (“IRS”) undeclared accounts owned by U.S. taxpayers at the Bank.

6. On or about November 28, 2023, the United States Attorney’s Office for the Southern District of New York and the Department of Justice Tax Division (the “Offices”)

and Banque Pictet entered into a deferred prosecution agreement (the “Banque Pictet DPA,” attached as Exhibit B and incorporated by reference herein).

7. As set forth in the Statement of Facts, attached as an exhibit to the Banque Pictet DPA and incorporated by reference herein, the fraud conspiracy alleged in the Banque Pictet Information involved the use by certain of Banque Pictet’s U.S. taxpayer-clients of the U.S. mails, private or commercial interstate carriers, or interstate wire communications to submit individual federal income tax returns to the IRS that were materially false and fraudulent in that these returns failed to disclose the existence of such taxpayers’ undeclared accounts or the income earned in such accounts. Banque Pictet collected fees on these undeclared accounts.

### **III. THE DEFENDANT-IN-REM**

8. Under the Banque Pictet DPA, Banque Pictet agreed to forfeit \$52,164,201 in United States currency. The Bank, pursuant to the Banque Pictet DPA, transferred the Defendant Funds to the United States in the Southern District of New York as a substitute *res* for proceeds obtained from its scheme to defraud the United States as set forth in the Banque Pictet Information. Banque Pictet agrees that the Defendant Funds are subject to civil forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) as proceeds traceable to the commission of mail and wire fraud.

### **IV. CLAIM FOR FORFEITURE**

9. The allegations contained in paragraphs one through eight of this Verified Complaint are incorporated by reference herein.

10. Title 18, United States Code, Section 981(a)(1)(C) subjects to forfeiture “[a]ny property, real or personal, which constitutes or is derived from proceeds traceable to a violation of . . . any offense constituting “specified unlawful activity” (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.”


11. “Specified unlawful activity” is defined in Title 18, United States Code, Section 1956(c)(7) to include any offense under Title 18, United States Code, Section 1961(1). Section 1961(1) lists as offenses both mail fraud (18 U.S.C. § 1341) and wire fraud (18 U.S.C. § 1343).

12. By reason of the above, the Defendant Funds are subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C).


WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendant-in-rem and that all persons having an interest in the Defendant-in-rem be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendant-in-rem to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
December 12, 2023

DAMIAN WILLIAMS  
United States Attorney for Plaintiff United States of  
America

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United States of America

By:   
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Nanette L. Davis, Senior Litigation Counsel  
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## VERIFICATION

STATE OF NEW YORK )  
COUNTY OF NEW YORK :  
SOUTHERN DISTRICT OF NEW YORK )

KATHLEEN FIATO, being duly sworn, deposes and says that she is a Special Agent with the Internal Revenue Service, Criminal Investigation; that she has read the foregoing Verified Complaint and knows the contents thereof; and that the same is true to the best of her knowledge, information and belief.

The sources of deponent's information and the grounds of her belief are her personal involvement in the investigation, and conversations with and documents prepared by law enforcement officers and others.

Kathleen H. Gato

Kathleen Fiato  
Special Agent  
Internal Revenue Service,  
Criminal Investigation